

Laws to Prevent Metal Theft and Recycling of Stolen Metals

Requested by

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November 1, 2011

The Caltrans Division of Research and Innovation (DRI) receives and evaluates numerous research problem statements for funding every year. DRI conducts Preliminary Investigations on these problem statements to better scope and prioritize the proposed research in light of existing credible work on the topics nationally and internationally. Online and print sources for Preliminary Investigations include the National Cooperative Highway Research Program (NCHRP) and other Transportation Research Board (TRB) programs, the American Association of State Highway and Transportation Officials (AASHTO), the research and practices of other transportation agencies, and related academic and industry research. The views and conclusions in cited works, while generally peer reviewed or published by authoritative sources, may not be accepted without qualification by all experts in the field.

Executive Summary

Background

As the prices of metals such as copper, aluminum and steel rise, theft of these metals is becoming an increasing problem nationwide. In search of valuable metal to sell to recyclers, thieves are stealing not only scrap metal but items that are still in use, such as copper wire, guardrail, street signs, traffic light components, and pieces of bridges and other structures.

Caltrans is investigating the components of a multifaceted approach to preventing this type of metal theft. One aspect of this effort is to prevent stolen metal from being accepted by recyclers. This Preliminary Investigation reviews the laws in place in other states to prevent recycling of stolen metal, including penalties for recyclers and for those selling stolen items.

Summary of Findings

We reviewed the statutes of other states that regulate the purchase of scrap metal by recyclers or that provide statutes specifically addressing metal theft. Many of these states have similar basic administrative requirements for recyclers purchasing metal items, and violating them is generally a misdemeanor for a first offense. Some states also specify penalties for recyclers who knowingly receive stolen metal items. These vary from small fines to felony convictions and associated prison time. Some states list specific penalties for metal theft, while other states presumably classify the theft as they would any other, generally according to the value of the items stolen.

Our findings are divided into two sections:

- **Key Provisions of Metal Theft Laws.**

Based on an analysis of all states' statutes, this section:

- Summarizes common provisions that are similar from state to state, such as basic documentation and reporting requirements for metal transactions.
- Details notable provisions that are unique to only a few states, such as specific provisions for theft of transportation-related items, approaches to assigning penalties, requirements for theft notification and participation in theft alert systems, and additional initiatives and programs.

- **State Statutes.**

This section provides more detail on each state's laws, as well as links to the full text of relevant statutes. It is divided into three subsections:

- California Statutes.
- Statutes with Notable Provisions.
- Other State Statutes.

Key Provisions of Metal Theft Laws

Common Provisions

The laws we reviewed all include similar basic elements designed to deter people from recycling stolen metals, such as requiring recyclers to document sellers' identities, record item descriptions, hold items for a specified number of days, and issue payments by check. These common provisions are aggregated below, and are not included in the individual statute summaries. Specific requirements differ from state to state.

Metals

Most statutes define the metals they apply to, often nonferrous metals such as copper, aluminum, steel, lead and brass.

Requirements for Recyclers

- **Seller identification**
 - Document the seller's identity, including basic information such as name, address, phone number, birthdate and sex. Many states also require documentation of the ID number on the seller's photo ID, and details of the vehicle used to deliver the sold items, such as license plate number and vehicle description (make, model, color, etc.).
 - Take a photograph of the seller and/or photocopy his photo ID. Some states require the photo to be digitally stamped with the date and time, and some allow a video to be taken instead or in addition. Several states also require that a thumbprint or fingerprint be taken.
 - Obtain certification (such as a signed written statement, affidavit or notarized document) that the seller is legally entitled or authorized to dispose of the metal. For items that are marked as belonging to a governmental entity or company, this may include documentation from the agency or company.
 - Obtain certification (such as a signed written statement) that the seller has not been involved in a previous scrap metal theft.
 - Verify that the seller is at least 18 years of age. Some states allow purchases from minors with a parent or guardian present.
- **Item description and transaction details**
 - Record identifying details about each piece of metal accepted, including physical description, weight, serial numbers and identifying marks.
 - Take a photograph of the metal. Some states require the photo to be digitally stamped with the date and time.
 - Obtain the original purchase receipt for the item or a certified statement from the seller regarding the when and where the item was originally purchased.
 - Record the details of the recycling transaction, which may include date, time and price paid.

- **Other administrative requirements**

- Hold the item for a specific amount of time (often a few days to a week) before melting down or reselling.
- Issue payment by check for certain items, or for items of a certain value. The check may be required to be mailed to a specified address, such as the address on the seller's photo ID.
- Keep detailed, updated transaction records; maintain records for a specific period of time (often one to three years). Some states require electronic record keeping.
- Allow law enforcement to inspect purchased metals and transaction records.
- Inform law enforcement of suspicious transactions or attempted transactions.

Notable Provisions

Some state statutes include additional provisions addressing the theft of specific items, detailing penalties, or addressing theft notification and awareness. This section also lists additional programs related to metal theft that a few states have required through legislation.

Across all states, Florida and Michigan are among those with the most comprehensive laws related to metal theft.

Transportation-Related Items

Several states mention items such as street signs, guardrail and traffic signals in their statutes as items that recyclers are prohibited from accepting except from an authorized source. Indiana assigns an additional penalty for stealing an item that relates to transportation safety, where its absence creates a transportation safety hazard. (The crime is increased by one classification.) Washington's law allows for an "aggravated exceptional sentence" for a metal theft that creates a public hazard.

States that restrict the purchase of transportation-related items include Florida, Michigan, Ohio, Oregon, Pennsylvania, Tennessee, Texas and Washington. Most do not assign additional penalties for these thefts.

Penalties

The statutes vary considerably in how they address penalties, making comparisons across all states difficult. In many states, this topic is addressed as part of the state's regulations for scrap metal dealers, and in some cases penalties for violation are not specified. Other states do list specific penalties, such as for theft or receiving stolen metal items, but these penalties may be the same as the state's penalties for theft of other items of the same value. This makes it more challenging to determine which states have *additional* penalties for metal theft.

Among states that list specific penalties for recyclers:

- Violating record-keeping or other administrative rules (the areas addressed under Common Provisions above) is generally a misdemeanor. For subsequent offenses, this often increases to a higher class of misdemeanor or a low class of felony.
- Knowingly receiving stolen metal items is generally classified according to the items' value. In many states, this is a misdemeanor for items under a certain value, such as \$250, and becomes a felony for items of higher value.

Among states that list specific penalties for sellers:

- Some states' laws are worded such that sellers may be prosecuted for any violation of the regulations, which could include administrative rules. This is generally a misdemeanor.

- Providing false information or falsified documents in connection with a metal sale is typically a misdemeanor.
- Theft of metal items is classified according to the items' value, sometimes mirroring the penalties to recyclers for receiving stolen metal items. It is often a misdemeanor for items under a certain value, such as \$250, and becomes a felony for items of higher value.

Some states take additional approaches to assigning penalties for metal theft, receiving stolen metal, and other related crimes. These include:

- **High penalties:** In Florida, it is a first-degree felony (punishable by up to 30 years in prison) to steal wire from a utility or communication service provider if the theft disrupts service or interferes with the ability to provide service. Florida also singles out stop sign theft as a felony.
- **Increased crime classification or sentencing:** As noted above, metal theft in Indiana is increased by one classification if transportation safety is disrupted. In Arkansas, the classification is increased if property is damaged during the theft. Washington's law addresses both safety and property damage, allowing an "aggravated exceptional sentence" for a metal theft when property damage caused during the theft is more than three times the value of the stolen metal, or when the metal theft creates a public hazard.
- **Consideration of property damage:** Several states, such as Arizona, Georgia, Michigan and Mississippi, include the costs of any property damage and needed repair or replacement in meeting the value thresholds described above. This means that this type of metal theft is more likely to be prosecuted as a felony.
- **Civil damages and restitution:** Some states, such as Georgia, specify that a person convicted of metal theft must make full restitution to the victim, including attorney's fees. Some laws also state that the victim has the right to seek civil damages as well; Michigan is notable in mandating that the civil damages awarded must be triple the amount of the theft, including property damage.
- **Additional criminal charges:** A few states have other related laws that a thief may be charged with; for example, Arkansas prohibits transporting stolen scrap metal across state lines.

Theft Notification and Awareness

Some state statutes require recyclers to register with and participate in scrap metal theft alert systems such as the one run by the Institute of Scrap Recycling Industries (see http://www.isri.org/iMIS15_PROD/ISRI/Program_and_Services/Materials%20Theft/ISRI/Program_and_Services/Materials_Theft.aspx). Some states give very specific guidance regarding employee training and the frequency with which recyclers must check for alerts. Other states detail different procedures that recyclers must follow to stay aware of recent thefts. The laws may specify penalties for recyclers who receive metal items that they "should reasonably have known" were stolen.

In Tennessee, recent legislation required a legislative report on the feasibility of compiling and implementing a "no buy" list of sellers that recyclers could not accept metal items from.

Education

A few state statutes, such as Minnesota and Indiana, require law enforcement to create general educational materials to aid in metal theft awareness.

Additional Initiatives

Our search also identified the following programs and initiatives that states have mandated through legislation:

- Ohio commissioned a report on the costs and effectiveness of its metal theft laws.

- Texas established a grant program to help law enforcement agencies address metal theft, and an advisory committee to address metal theft issues.
- Colorado established a Commodity Metals Theft Task Force.
- Oregon requires each county to have a Metal Theft Plan of Action.

State Statutes

This section highlights the most notable aspects of each state’s law, including penalties. Common provisions related to documenting a seller’s identity, metal item description, and similar requirements are not listed in this section. Links to the full text of the statutes are provided when available.

To facilitate comparisons among states, these summaries often use standard terms (such as “recycler”), though individual states may use different phrases (such as “scrap metal dealer,” “junk dealer” or “collector”).

California Statutes

Notable Provisions

- **Transportation-related items:** Requires dealers and collectors to use due diligence to determine that the seller has the legal right to sell or deliver “any wire, cable, copper, lead, solder, mercury, iron or brass which he or she knows or reasonably should know is ordinarily used by or ordinarily belongs to a railroad or other transportation, telephone, telegraph, gas, water or electric light company or county, city, city and county or other political subdivision of this state engaged in furnishing public utility service.” Failure to do so makes the dealer or collector guilty of criminally receiving the property, which carries a punishment of up to year in jail, a \$250 fine, or both.

Penalties for Recyclers

Violation of record-keeping and administrative rules may be punished by the following (excerpted from Section 21608):

- (1) For a first offense, by a fine of not less than one thousand dollars (\$1,000), or by imprisonment in the county jail for not less than 30 days, or by both that fine and imprisonment.
- (2) For a second offense, by a fine of not less than two thousand dollars (\$2,000), or by imprisonment in the county jail for not less than 30 days, or by both that fine and imprisonment. In addition to any other sentence imposed pursuant to this paragraph, the court may order the defendant to stop engaging in business as a junk dealer or recycler for a period not to exceed 30 days.
- (3) For a third or any subsequent offense, by a fine of not less than four thousand dollars (\$4,000), or by imprisonment in the county jail for not less than six months, or by both that fine and imprisonment. In addition to any other sentence imposed pursuant to this paragraph, the court shall order the defendant to stop engaging in business as a junk dealer or recycler for not less than one year.

Statutes

California Business & Professions Code

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=bpc&group=21001-22000&file=21600-21610>

21607. Preservation of records

21608. Failure to keep and produce written records; Punishment

21608.3. Unauthorized disclosure of personal identification information

21608.5. Payment for nonferrous materials, Requirements; Applicability; Local ordinances

California Penal Code

496a. Purchase of metals used in transportation or utility service; Obtaining required information
<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pen&group=00001-01000&file=484-502.9>

Excerpt:

(a) Every person who, being a dealer in or collector of junk, metals or secondhand materials, or the agent, employee, or representative of such dealer or collector, buys or receives any wire, cable, copper, lead, solder, mercury, iron or brass which he or she knows or reasonably should know is ordinarily used by or ordinarily belongs to a railroad or other transportation, telephone, telegraph, gas, water or electric light company or county, city, city and county or other political subdivision of this state engaged in furnishing public utility service without using due diligence to ascertain that the person selling or delivering the same has a legal right to do so, is guilty of criminally receiving that property, and is punishable, by imprisonment in a county jail for not more than one year, or by imprisonment pursuant to subdivision (h) of Section 1170, or by a fine of not more than two hundred fifty dollars (\$250), or by both that fine and imprisonment.

(b) Any person buying or receiving material pursuant to subdivision (a) shall obtain evidence of his or her identity from the seller including, but not limited to, that person's full name, signature, address, driver's license number, vehicle license number, and the license number of the vehicle delivering the material.

The record of the transaction shall include an appropriate description of the material purchased and such record shall be maintained pursuant to Section 21607 of the Business and Professions Code.

Statutes with Notable Provisions

Arizona

Notable Provisions

- **Value of metal:** In classifying a theft, the value of the metal includes the value of property damage caused during the theft.

Penalties for Recyclers

A record-keeping violation is a Class 1 misdemeanor.

Statutes

Arizona Revised Statutes, Article 3.1, Scrap Metal Dealers. Sections 44-1641 through 44-1647.

<http://www.azleg.gov/ArizonaRevisedStatutes.asp?Title=44>, beginning with
<http://www.azleg.gov/FormatDocument.asp?inDoc=/ars/44/01641.htm&Title=44&DocType=ARS>

44-1642.01. Prohibited scrap metal transactions; exceptions

<http://www.azleg.gov/FormatDocument.asp?inDoc=/ars/44/01642-01.htm&Title=44&DocType=ARS>

44-1643. Violation; classification

<http://www.azleg.gov/FormatDocument.asp?inDoc=/ars/44/01643.htm&Title=44&DocType=ARS>

44-1644. Report to the department of public safety; exemption; violation; classification

<http://www.azleg.gov/FormatDocument.asp?inDoc=/ars/44/01644.htm&Title=44&DocType=ARS>

13-1801. Definitions

<http://www.azleg.gov/FormatDocument.asp?inDoc=/ars/13/01801.htm&Title=13&DocType=ARS>

Excerpt:

A. In this chapter, unless the context otherwise requires:

15. “Value” means the fair market value of the property or services at the time of the theft. The value of ferrous metal or nonferrous metal, as defined in section 44-1641, is the average fair market value of the metal as scrap metal in the local area together with the repair or replacement value of any property from which the scrap metal was removed at the time of the theft.

13-1802. Theft; classification; definitions

<http://www.azleg.gov/FormatDocument.asp?inDoc=/ars/13/01802.htm&Title=13&DocType=ARS>

Excerpt:

I. For the purposes of this section, the value of ferrous metal or nonferrous metal includes the amount of any damage to the property of another caused as a result of the theft of the scrap metal.

J. In an action for theft of ferrous metal or nonferrous metal:

1. Unless satisfactorily explained or acquired in the ordinary course of business by an automotive recycler as defined and licensed pursuant to title 28, chapter 10 or by a scrap metal dealer as defined in section 44-1641, proof of possession of scrap metal that was recently stolen may give rise to an inference that the person in possession of the scrap metal was aware of the risk that it had been stolen or in some way participated in its theft.

2. Unless satisfactorily explained or sold in the ordinary course of business by an automotive recycler as defined and licensed pursuant to title 28, chapter 10 or by a scrap metal dealer as defined in section 44-1641, proof of the sale of stolen scrap metal at a price substantially below its fair market value may give rise to an inference that the person selling the scrap metal was aware of the risk that it had been stolen.

Arkansas

Notable Provisions

- **Theft notification:** Any person may notify recyclers of a scrap metal theft, providing as much detail as available. If materials matching the description of the stolen goods are offered to a recycler within 90 days, the recycler must notify law enforcement.

Penalties for Theft

- The classification and penalty range for theft of scrap metal is increased by one classification if:
 - Additional property damage greater than \$250 occurred during the theft.
 - The stolen scrap metal was transported across state lines for sale or disposal.

Penalties for Recyclers

- Knowingly receiving stolen scrap metal is a:
 - Class A misdemeanor
 - Class D felony if the value of the scrap metal is more than \$1,000
 - Class D felony for second or subsequent violations
- Violators of the administrative requirements for scrap metal dealers may be assessed a civil penalty of not more than \$500 per violation. Providing false information regarding required records is a Class A misdemeanor.

Statutes

The Arkansas Code is available at <http://www.lexisnexis.com/hottopics/arcodes/Default.asp>. Individual sections of the code may be accessed through the search feature. Relevant sections include:

5-36-123. Theft of scrap metal.

5-36-124. Theft by receiving of scrap metal.

17-44-101 through 17-44-106 (Chapter 44, Scrap Metal Dealers), including:

- 17-44-102. Records required.
- 17-44-104. Theft notification.
- 17-44-106. Penalties.

Colorado

Notable Provisions

- **Theft awareness:** Recyclers must sign up with regional scrap theft alert system (such as that maintained by the Institute of Scrap Recycling Industries) to receive alerts about nearby thefts. Recyclers' employees must be trained on the alerts' use; training and provision of alerts to employees must be documented.

Penalties for Recyclers

Policy violations, including record-keeping, are a Class 2 misdemeanor if the metal involved is valued at less than \$500, or a Class 1 misdemeanor if the metal is valued at \$500 or more.

Additional Initiatives

Colorado statutes establish a Commodity Metals Theft Task Force, which was required to hold its first meeting by July 1, 2011. The task force is charged with examining issues including:

- Best practices for distributing and using information related to scrap metal theft. The task force will consider the value of having law enforcement agencies use the scrap theft alert system maintained by the Institute of Scrap Recycling Industries.
- Ways to improve Colorado's laws to reduce scrap metal theft.
- Policies or practices that could aid in tracking or apprehending stolen commodity metals prior to the point of sale.
- When and how dealers should be required to report purchases of potentially stolen commodity metals.
- Creation of civil penalties for egregious and repeat violators of record-keeping requirements.

Statutes

The Colorado Revised Statutes may be searched at

http://www.state.co.us/gov_dir/leg_dir/olls/colorado_revised_statutes.htm. The provisions above are included in the following section:

18-13-111. Purchases of commodity metals - violations - commodity metals theft task force - creation - composition - reports - legislative declaration - definitions - repeal

Florida

Notable Provisions

- Florida law provides for a very high penalty for certain types of metal theft. Penalties for recyclers are less severe. The law also singles out stop sign theft as a felony.

Penalties for Theft

- Metal theft that disrupts or interferes with utility service or communications service is a first-degree felony. First-degree felonies are punishable by up to 30 years in prison.
- Providing false identification to a recycler or falsifying ownership of a stolen metal is a third-degree felony (up to 5 years in prison) if less than \$300 is received as payment for the metal, or a second-degree felony (up to 15 years in prison) if \$300 or more is received.

- Stealing a stop sign is third-degree grand theft and a third-degree felony.

Penalties for Recyclers

- Violating record-keeping or administrative rules is a first-degree misdemeanor, or a third-degree felony for third and subsequent offenses.
- However, intentionally failing to keep records in order to receive stolen property carries a higher punishment: “A secondary metals recycler is presumed to know upon receipt of stolen regulated metals property in a purchase transaction that the regulated metals property has been stolen from another if the secondary metals recycler knowingly and intentionally fails to maintain the information required in s. 538.19 and shall, upon conviction of a violation of s. 812.015, be punished as provided in s. 812.014(2) or (3).”

Statutes

812.145. Theft of copper or other nonferrous metals

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0800-0899/0812/Sections/0812.145.html

Excerpt:

A person who knowingly and intentionally takes copper or other nonferrous metals from a utility or communications services provider, thereby causing damage to the facilities of a utility or communications services provider, interrupting or interfering with utility service or communications services, or interfering with the ability of a utility or communications services provider to provide service, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

“Utility” includes any person, firm, corporation, association, or political subdivision, whether private, municipal, county, or cooperative, which is engaged in the sale, generation, provision, or delivery of gas or electricity services.

Per Section 775.082, a felony of the first degree is punishable by “a term of imprisonment not exceeding 30 years or, when specifically provided by statute, by imprisonment for a term of years not exceeding life imprisonment.”

812.014. Theft

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0800-0899/0812/Sections/0812.014.html

Excerpt:

(c) It is grand theft of the third degree and a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property stolen is:

11. Any stop sign.

Regulations for Secondary Metals Recyclers

538.23. Violations and penalties

See also Sections 538.18 through 538.26.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0500-0599/0538/0538PartIIContentsIndex.html&StatuteYear=2011&Title=%2D%3E2011%2D%3EChapter%20538%2D%3EPart%20II

Georgia

Notable Provisions

- Includes related property damage costs in classifying a metal theft as a misdemeanor or felony based on the value of the item stolen.

Penalties

- Penalties for recyclers who intentionally violate any part of the law are the same as for those who commit the theft. Both parties are guilty of a felony—punishable by a fine of up to \$5,000 or imprisonment of one to five years, or both—if the value of the metal plus certain additional costs exceeds \$500. These costs include “any costs which are, or would be, incurred in repairing or in the attempt to recover any property damaged in the theft or removal of such regulated metal property.”

Statutes

Penalties for Recyclers

10-1-357. Penalties for violations

Excerpt:

(b) Any secondary metals recycler knowingly and intentionally engaging in any practice which constitutes a violation of this article shall be guilty of a misdemeanor unless the value of the regulated metals property, in its original and undamaged condition, in addition to any costs which are, or would be, incurred in repairing or in the attempt to recover any property damaged in the theft or removal of such regulated metal property, is in an aggregate amount which exceeds \$500.00, such secondary metals recycler shall be guilty of a felony and, upon conviction, shall be punished by a fine of not more than \$5,000.00 or by imprisonment for not less than one nor more than five years, or both.

Penalties for Theft

16-8-12. Penalties for violation of Code Sections 16-8-2 through 16-8-9 [Theft]

Excerpts:

(a) A person convicted of a violation of Code Sections 16-8-2 through 16-8-9 shall be punished as for a misdemeanor except:

(1) If the property which was the subject of the theft exceeded \$500.00 in value, by imprisonment for not less than one nor more than ten years or, in the discretion of the trial judge, as for a misdemeanor;

(9) Notwithstanding the provisions of paragraph (1) of this subsection, if the property of the theft was ferrous metals or regulated metal property, as such terms are defined in Code Section 10-1-350, and the sum of the aggregate amount of such property, in its original and undamaged condition, plus any reasonable costs which are or would be incurred in the repair or the attempt to recover any property damaged in the theft or removal of such regulated metal property, exceeds \$500.00, by imprisonment for not less than one nor more than five years, a fine of not more than \$5,000.00, or both.

Georgia’s statutes are available through <http://www.lexisnexis.com/hottopics/gacode/>. Relevant statutes include those excerpted above, as well as related statutes in Sections 10-1-350 through 10-1-358.

Indiana

Notable Provisions

- **Transportation-related metals:** Increases the classification of theft when the stolen metal relates to transportation safety. This applies to both theft and receiving stolen property.
- **Education:** The superintendent of the state police department is directed to “prepare and distribute a list to each valuable metal dealer describing valuable metal products that are particularly susceptible to theft” (Indiana Code, Section 25-37.5-1-3).

Penalties

The crime classification is increased by one class (from a Class D felony to a Class C felony) for committing theft or knowingly receiving stolen property if the item stolen is a “valuable metal ... related to transportation safety ... and the absence of the property creates a substantial risk of bodily injury to a person” (Indiana Code, Section 35-43-4-2). This statute mentions other property categories as well.

Statutes

35-43-4-2. Theft; receiving stolen property.

<http://www.in.gov/legislative/ic/code/title35/ar43/ch4.html>

25-37.5-1. Regulation of Dealers by State Police

<http://www.in.gov/legislative/ic/code/title25/ar37.5/ch1.html>

Kansas

Notable Provisions

- **Transportation-related items:** Recyclers must obtain proof of the seller’s authorization to sell utility access covers, street light poles or fixtures; road or bridge guard rails; highway or street signs; traffic directional or traffic control signs; traffic light signals; any metal marked with any form of the name or initials of a governmental entity; or manhole covers.

Penalties

Anyone who intentionally violates the law is guilty of a class C misdemeanor, punishable by a minimum fine of \$200. Anyone committing a second offense within a two-year period is guilty of a class B misdemeanor (minimum fine of \$500). Anyone committing a third or subsequent offense within a two-year period is guilty of a class A misdemeanor (minimum fine of \$1,000).

Statutes

Kansas Statutes Sections 50-6,109 through 50-6,112

http://kslegislature.org/li/statute/050_000_0000_chapter/050_006_0000_article/050_006_0109_section/050_006_0109_k/

50-6,111. Unlawful acts; required information; records.

http://kslegislature.org/li/statute/050_000_0000_chapter/050_006_0000_article/050_006_0111_section/050_006_0111_k/

50-6,112. Penalties.

http://kslegislature.org/li/statute/050_000_0000_chapter/050_006_0000_article/050_006_0112_section/050_006_0112_k/

Michigan

In 2008, Michigan enacted the Nonferrous Metals Regulatory Act, which outlined provisions and penalties specific to the theft and sale of these metals.

Notable Provisions

- **Transportation-related items:**
 - The sale or purchase of metal marked as belonging to a governmental entity (such as with a name or logo) is prohibited without written documentation of the seller's authorization to possess and sell the item. Other items subject to the same provision include "public fixtures" such as utility access covers, street light poles and fixtures, road and bridge guard rails, highway or street signs, traffic directional and control signs, and traffic light signals.
 - A recycler must tag and hold for seven days any item offered by a seller that would reasonably be expected to be the property of a governmental entity.
- **Theft awareness:** Recyclers are required to register with or subscribe to a database service that tracks metal theft, such as the theft alert system maintained by the Institute of Scrap Recycling Industries.
- **Recovery provisions:** If the victim of metal theft files a lawsuit against a seller or dealer (or both) seeking monetary damages, the court is directed to award "treble damages" for the value of the stolen metal—triple the actual value. The value of the stolen metal is defined as the greatest of three costs: the item's replacement cost, the cost of repairing the damage caused by the theft, or the sum of the replacement cost and the cost of repairs.

Penalties

- A recycler who violates the administrative and record-keeping statutes is guilty of a misdemeanor punishable by a fine of up to \$500, up to 93 days in jail, or both.
- Knowingly buying or selling stolen metal is a felony punishable by up to five years in prison, a fine of up to \$5,000, or both. For second or subsequent offenses, the maximum fine increases to \$10,000.
- Violators of the Nonferrous Metals Regulatory Act may be ordered to pay a civil fine of up to \$5,000.

Statutes

445.429 Article containing nonferrous metal; tagging and holding by dealer required; circumstances; creation and maintenance of records; certain sales prohibited.

[http://www.legislature.mi.gov/\(S\(4xkmyh45adayv355eg5ch1uz\)\)/mileg.aspx?page=getObject&objectName=mcl-445-429](http://www.legislature.mi.gov/(S(4xkmyh45adayv355eg5ch1uz))/mileg.aspx?page=getObject&objectName=mcl-445-429)

445.423 Definitions.

[http://www.legislature.mi.gov/\(S\(4xkmyh45adayv355eg5ch1uz\)\)/mileg.aspx?page=getObject&objectName=mcl-445-423](http://www.legislature.mi.gov/(S(4xkmyh45adayv355eg5ch1uz))/mileg.aspx?page=getObject&objectName=mcl-445-423)

445.431. Database; registration with or subscription to required.

[http://www.legislature.mi.gov/\(S\(2atj5hf4ufdnhfjdwhozag45\)\)/mileg.aspx?page=getObject&objectName=mcl-445-431](http://www.legislature.mi.gov/(S(2atj5hf4ufdnhfjdwhozag45))/mileg.aspx?page=getObject&objectName=mcl-445-431)

Excerpt:

Sec. 11. (1) A dealer shall register with or subscribe to, and maintain that registration or subscription with, an internet-based database available to dealers, law enforcement agencies, and the general

public that lists and tracks, at a minimum, thefts of nonferrous metal and articles containing nonferrous metals. The database may be reasonably limited in terms of time and geographical area.

(2) The existing database established by the institute of scrap recycling industries, inc., referred to as the ISRI theft alert system, is considered an appropriate internet-based database. A dealer may register with or subscribe to any other database that provides substantially the same services as the database described in subsection (1).

445.433 Violation of MCL 445.427(1) or 445.429 as misdemeanor; buying or selling stolen nonferrous metal articles as felony; penalties.

[http://www.legislature.mi.gov/\(S\(2atj5hf4ufdnhfjdwhozag45\)\)/mileg.aspx?page=getobject&objectname=mcl-445-433](http://www.legislature.mi.gov/(S(2atj5hf4ufdnhfjdwhozag45))/mileg.aspx?page=getobject&objectname=mcl-445-433)

445.435 Violation of act as state civil infraction; fine.

[http://www.legislature.mi.gov/\(S\(2atj5hf4ufdnhfjdwhozag45\)\)/mileg.aspx?page=getobject&objectname=mcl-445-435](http://www.legislature.mi.gov/(S(2atj5hf4ufdnhfjdwhozag45))/mileg.aspx?page=getobject&objectname=mcl-445-435)

445.437 Private cause of action; damages; "value of the nonferrous metal article stolen" defined.

[http://www.legislature.mi.gov/\(S\(2atj5hf4ufdnhfjdwhozag45\)\)/mileg.aspx?page=getobject&objectname=mcl-445-437](http://www.legislature.mi.gov/(S(2atj5hf4ufdnhfjdwhozag45))/mileg.aspx?page=getobject&objectname=mcl-445-437)

Nonferrous Metals Regulatory Act

Michigan Compiled Laws Sections 445.421 through 445.443 are accessible through the link below, which outlines the sections affected by the Nonferrous Metals Regulatory Act of 2008:

[http://www.legislature.mi.gov/\(S\(2atj5hf4ufdnhfjdwhozag45\)\)/mileg.aspx?page=GetMCLDocument&objectname=mcl-Act-429-of-2008](http://www.legislature.mi.gov/(S(2atj5hf4ufdnhfjdwhozag45))/mileg.aspx?page=GetMCLDocument&objectname=mcl-Act-429-of-2008)

Minnesota

Notable Provisions

- **Seller identification:** Scrap metal dealers are required to have security cameras (such as video surveillance cameras or still digital cameras) positioned to record the faces of all prospective sellers.
- **Theft awareness:** Dealers are required to participate in Minnesota's criminal alert network. The law specifies that dealers must check for alerts twice a day, must inform all employees of relevant alerts, and must post copies of these alerts. Dealers must pay a \$50 annual fee that covers participation in the network and receipt of the educational materials described below.
- **Educational materials:** The superintendent of the Bureau of Criminal Apprehension is required to develop and distribute educational materials on scrap metal theft. Dealers and their employees must review these materials.

Statutes

299C.25 Scrap Metal Dealers; Educational Materials.

<https://www.revisor.mn.gov/statutes/?id=299C.25>

325E.21 Dealers in Scrap Metal; Records, Reports, and Registration.

<https://www.revisor.mn.gov/statutes/?id=325E.21>

Mississippi

Notable Provisions

- If scrap metal is to be transported across state lines, the person in possession of the metal must first report to the county sheriff all information that a recycler in Mississippi would be required to obtain before purchasing the metal (seller identification, item description, item source, etc.).

Penalties

- Anyone violating the law is guilty of a misdemeanor and may be fined up to \$1,000 per offense if the value of the metal plus certain other costs is \$500 or less. If the value exceeds \$500, the violator is guilty of a felony and may be imprisoned for up to 10 years, fined up to \$10,000, or both.
- Other costs included in determining the metal's value include any costs related to repairing or attempting to recover any property damaged during the theft.
- **Recovery provisions:** Anyone found guilty of stealing or knowingly receiving metal property must make full restitution to the victim, including, without limitation, restitution for property damage related to the theft.

Statutes

Mississippi Code 97-17-71. Receiving stolen property; junk dealers to keep records of purchases of certain materials; content of records; report of purchase to police required; interstate transportation of certain materials; penalties

<http://www.mscode.com/free/statutes/97/017/0071.htm>

Ohio

Notable Provisions

- **Transportation-related items:** A “special purchase article,” which requires recyclers to obtain extra documentation, is defined as including guard rails for bridges, highways, and roads; highway and street signs; street light poles and fixtures; manhole covers; traffic directional and control signs and light signals, metal marked with the name of a political subdivision of the state, and other metal articles that are purchased and installed for use upon authorization of the state or any political subdivision of the state.

Penalties for Recyclers

- Violators of the regulations for scrap metal dealers are fined \$25 to \$1,000 plus prosecution costs.
- A recycler who commits a record-keeping violation is guilty of a third-degree misdemeanor. For a second offense, the violation is a second-degree misdemeanor. For the third and subsequent offenses, the violation is a first-degree misdemeanor.

Additional Initiatives

A recent act mandated creation of a joint select committee of the state Senate and House of Representatives “for the purpose of considering the effectiveness of this act in deterring crime and the costs of complying with this act to industries affected by this act.” The committee was directed to hold public hearings to receive testimony on the act’s effects on “metals theft rates, theft deterrence, criminal enforcement and prosecution, and economic and administrative burdens on industry,” and to issue a report of its findings. See http://www.legislature.state.oh.us/bills.cfm?ID=127_SB_171.

Statutes

Ohio Revised Code, Chapter 4737

<http://codes.ohio.gov/orc/4737>

4737.04. Scrap metal dealer to maintain record of articles purchased or received; prohibitions; immunity of officials.

4737.041. Duties concerning special purchase articles.

4737.99. Penalty.

Oregon

Notable Provisions

- **Transportation-related items:** The law defines “commercial metal property” as including “a pole, fixture or component of a street light or traffic light; a sign or marker located, with the permission of a governmental entity, alongside a street, road or bridge for the purpose of directing or controlling traffic or providing information to motorists; a traffic safety device, including a guardrail for a highway, road or bridge.”

Penalties

Metal property offenses are a Class A misdemeanor.

Additional Laws

- The district attorney of each county is required to create a written County Metal Theft Plan of Action “that ensures effective communication between law enforcement and the business community regarding the theft of metal property.” The plan must include “a procedure for law enforcement agencies to notify scrap metal businesses of a theft of metal property within 24 hours after the receipt of the report of the theft.”
- An additional law provides that property owners and occupants are not liable for injuries, deaths or property damage that occur as a result of theft or attempted theft on their property.

Statutes

Oregon Revised Statutes, Chapter 165, including Sections 165.116 through 165.127

<http://www.leg.state.or.us/ors/165.html>

165.118 Metal property offenses.

165.127 County metal theft plan of action.

105.834 Owner’s immunity from liability for theft of metal property.

<http://www.leg.state.or.us/ors/105.html>

Pennsylvania

Pennsylvania enacted the Scrap Material Theft Prevention Act in 2008.

Notable Provisions

- **Transportation-related items:** Recyclers may only purchase “commercial metal property” from a commercial enterprise. This includes utility access covers, street light poles and fixtures, road and bridge guardrails, highway or street signs, traffic directional and control signs, traffic light signals, and any metal property marked with the name of the commercial enterprise (Pennsylvania statutes, Sections 1943.2 and 1943.5).

Penalties for Recyclers

Recyclers who violate the act commit a “summary offense” and may pay a fine of up to \$2,500. A second or subsequent violation is a third-degree misdemeanor (Pennsylvania statutes, Section 1943.7).

Statutes

The text of the Scrap Material Theft Prevention Act is available at

<http://www.legis.state.pa.us/cfdocs/legis/PN/Public/btCheck.cfm?txtType=HTM&sessYr=2007&sessInd=0&billBody=H&billTyp=B&billNbr=1742&pn=3008>.

Tennessee

Notable Provisions

- **Transportation-related items:** Except from authorized sellers, recyclers may not knowingly purchase street light poles and fixtures; road and bridge guard rails; highway or street signs; traffic directional and control signs; traffic light signals; or any scrap metal visibly marked or painted with the name of a government entity, business, company or the name of the owner of the metal.
 - Violation is a Class A misdemeanor, which is the same as for other rule violations.

Penalties for Recyclers

- A recycler who knowingly purchases scrap metal in violation of the regulations or who knowingly purchases stolen scrap metal is guilty of a Class A misdemeanor for a first or second offense. A third or subsequent violation is a Class E felony.
- Scrap metal registration is revoked for a recycler convicted of a violation of the regulations or of theft, burglary or vandalism involving scrap metal.

Penalties for Sellers

A person who sells or attempts to sell scrap metal “knowing that the metal is stolen, whether by the person selling or by some other person,” is punished as for the crime of theft, “graded according to the value of the metal sold or attempted to be sold as provided in § 39-14-105.”

Additional Laws

Recent legislation directed the Department of Commerce and Insurance to “conduct a study of the cost and feasibility of compiling and implementing a ‘no buy list’ whereby persons who are found to be in violation or convicted of a violation of this chapter or convicted of the criminal offense of theft, vandalism or burglary pertaining to scrap metal are compiled on a central list to be placed on the department’s Internet web site and scrap metal dealers would be prohibited from purchasing scrap metal from anyone appearing on the list.” Results were due to be reported by January 31, 2009.

Statutes

The Tennessee Code may be searched at <http://www.lexisnexis.com/hottopics/tncode/>. Relevant statutes are in Title 62, Chapter 9, Scrap Metal Dealers, including:

62-9-106. Offense to sell or for dealer to purchase certain types of scrap metal -- Exceptions -- Uniform scrap metal marking system -- Committee to develop marking system -- Violations -- Prosecution for other offenses.

62-9-109. Offense of engaging in business of buying scrap metal without registration -- Other offenses -- Violations.

62-9-110. Revocation of registration upon conviction of violating chapter or for theft, burglary or vandalism involving scrap metal.

62-9-113. Emergency rules -- Committee for development of uniform terminology -- Study of the cost and feasibility of compiling and implementing a “no buy list”.

Texas

Notable Provisions

- **Transportation-related items:** “Regulated metal” includes manhole covers, guardrail, street signs, and drain gates.
- **Theft awareness:** In 2007 the Texas Department of Public Safety was directed to establish a statewide electronic reporting system to track the sales of regulated metal reported to the department. A summary of the reports must be posted online.

Additional Laws

- **Grant program:** The most recent legislative session directed the Public Safety Commission to establish a Prevention of Scrap Metal Theft Grant Program. The program will use fines collected from offenses related to scrap metal theft to provide funding to assist local law enforcement agencies in preventing future theft.
- **Advisory committee:** As part of the same legislation, the Department of Public Safety was directed to establish an advisory committee to advise the department on matters related to the regulation of metal recycling entities.

Penalties for Recyclers

- Knowingly purchasing stolen regulated material is a Class A misdemeanor for a first offense, or a state jail felony if the recycler has been convicted of previous related offenses.
 - The court may also order the recycling business to cease operations for 30 days per violation for a first offense, or 180 days per violation if the recycler has been convicted of previous related offenses.

Penalties for Sellers

- Providing false information or documentation in connection with a metal sale is a Class A misdemeanor for a first offense, or a state jail felony if the seller has been convicted of previous related offenses.
- Knowingly selling stolen regulated material is a state jail felony for a first offense, or a third-degree felony if the seller has been convicted of previous related offenses.

Statutes

Texas Occupations Code, Chapter 1956, Subchapter A

<http://www.statutes.legis.state.tx.us/Docs/OC/htm/OC.1956.htm>

1956.015. Statewide Electronic Reporting System.

1956.031. Notice to Sellers.

1956.040. Criminal Penalty.

Newly Enacted Legislation

Senate Bill 694, Texas Government Code, Subchapter N

1956.017. Advisory Committee.

<http://www.legis.state.tx.us/tlodocs/82R/billtext/html/SB00694F.htm>

Washington

Penalties

For both sellers and recyclers, any violation of the relevant statutes is a “gross misdemeanor.” Any violation not punishable as a criminal act is subject to a civil fine of up to \$1,000; subsequent offenses within two years are punishable by a civil fine of up to \$2,000.

Notable Provisions

- **Additional penalties:** The court may impose an “aggravated exceptional sentence” for a metal theft when property damage caused in the course of the theft is more than three times the value of the stolen metal, or the metal theft creates a public hazard.
- **Transportation-related items:** Extra documentation is required for items including street light poles and fixtures, road and bridge guardrails, highway or street signs, traffic directional and control signs, and traffic light signals.

Statutes

Revised Code of Washington

Chapter 19.290. Metal property.

<http://apps.leg.wa.gov/rcw/default.aspx?cite=19.290>

19.290.070. Violations – Penalty.

<http://apps.leg.wa.gov/rcw/default.aspx?cite=19.290.070>

9.94A.535. Departures from the guidelines.

<http://apps.leg.wa.gov/rcw/default.aspx?cite=9.94A.535>

Excerpt:

The trial court may impose an aggravated exceptional sentence without a finding of fact by a jury under the following circumstances:

(z) (i) (A) The current offense is theft in the first degree, theft in the second degree, possession of stolen property in the first degree, or possession of stolen property in the second degree; (B) the stolen property involved is metal property; and (C) the property damage to the victim caused in the course of the theft of metal property is more than three times the value of the stolen metal property, or the theft of the metal property creates a public hazard.

(ii) For purposes of this subsection, "metal property" means commercial metal property, private metal property, or nonferrous metal property, as defined in RCW 19.290.010.

Other State Statutes

Alabama

Penalties for Theft

Selling stolen metal to a recycler is:

- A Class A misdemeanor if the value of the metal is less than \$500.
- A Class C felony if the value of the metal is between \$500 and \$2,500.
- A Class B felony if the value of the metal is more than \$2,500.

(Alabama Code, Section 13A-8-37.)

Recovery provisions: When a conviction is made in a metal theft, the defendant must make full restitution to both the lawful owner of the metal and the recycler. This includes, without limitation,

attorneys' fees, court costs, expenses related to property damage resulting from the theft of the property, and expenses that the recycler has incurred (Alabama Code, Section 13A-8-34).

Penalties for Recyclers

A recycler who knowingly violates the law is guilty of a misdemeanor. If the recycler intentionally engages in a pattern of practices that violate the law and the transactions included in the pattern exceed \$500 total, the recycler is guilty of a Class C felony (Alabama Code, Section 13A-8-37).

Statutes

The Alabama code is searchable at www.legislature.state.al.us/search/searchtext.htm; see Sections 13A-8-30 through 13A-8-39 (Article 1A, Secondary Metal Recycling).

Connecticut

Penalties for Recyclers

The first violation is a class C misdemeanor, the second is a class B misdemeanor, and the third and subsequent violations are class A misdemeanors.

Statutes

Sec. 21-11a. Requirements for scrap metal processors. Notification. Prohibitions. Penalties.
<http://www.cga.ct.gov/2011/pub/chap405.htm#Sec21-11a.htm>

Delaware

Penalties for Recyclers

A violator is guilty of a misdemeanor and may be fined up to \$10,000 (Delaware Code, Section 2308).

Statutes

Chapter 23. Pawnbrokers, Secondhand Dealers and Scrap Metal Processors
<http://delcode.delaware.gov/title24/c023/sc01/index.shtml>

Hawaii

Penalties

Violators are guilty of a misdemeanor, with a minimum sentence of a \$1,000 fine for the first offense, a \$3,000 fine for the second offense, and a \$5,000 fine and six-month license suspension for the third or subsequent offense. If the third or subsequent offense occurs within a five-year period, the scrap dealer is subject to license revocation.

Statutes

Hawaii Revised Statutes § 445-233, 445-233.5 and 445-235:
http://www.capitol.hawaii.gov/hrscurrent/Vol10_Ch0436-0474/HRS0445/HRS_0445-0233.htm
http://www.capitol.hawaii.gov/hrscurrent/Vol10_Ch0436-0474/HRS0445/HRS_0445-0233_0005.htm
http://www.capitol.hawaii.gov/hrscurrent/Vol10_Ch0436-0474/HRS0445/HRS_0445-0235.htm

Idaho

Penalties

A seller or recycler who violates the law is guilty of a misdemeanor; anyone committing a second offense within five years is guilty of a felony.

Statutes

Idaho Code, Sections 54-2701 through 54-2708.

54-2707. Unlawful violations

<http://www.legislature.idaho.gov/idstat/Title54/T54CH27SECT54-2707.htm>

Illinois

Penalties for Recyclers

A recycler who knowingly violates the law is guilty of a Class A misdemeanor for the first offense, and a Class 4 felony for the second or subsequent offense. Each day that the recycler fails to comply constitutes a separate offense.

Other Provisions

Metal street signs and all metal purchases of \$100 or more require detailed documentation (Section 325/3, Records of purchases).

Statutes

Recyclable Metal Purchase Registration Law

<http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=2330&ChapterID=67>

Includes Illinois Compiled Statutes Chapter 815, Sections 325/1 through 325/9. See especially:

325/8. Penalty

325/3. Records of purchases

Chapter 625, Section 5/5-401.3. Scrap processors required to keep records

<http://www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=062500050HCh%2E+5+Art%2E+IV&ActID=1815&ChapterID=49&SeqStart=69700000&SeqEnd=70600000>

Kentucky

Penalties for Recyclers

A recycler who commits a record-keeping or administrative offense, or who violates any other law related to the “purchase or disposition of metals,” may be fined up to \$100 or may serve up to 30 days in jail, or both.

Penalties for Sellers

A seller who provides fraudulent identification, including license plates or ownership documents, is guilty of a Class A misdemeanor.

Other Provisions

The law notes that the Attorney General has concurrent jurisdiction with attorneys for the state and county in investigation and prosecution of offenses related to metal sales and purchases.

Statutes

Kentucky Revised Statutes, Sections 433.890 to 433.896.

<http://www.lrc.ky.gov/KRS/433-00/CHAPTER.HTM>

15.232. Jurisdiction in criminal cases involving records relating to purchases of metals and objects containing metal and sales, purchases, and dispositions of metals.

<http://www.lrc.ky.gov/KRS/015-00/232.PDF>

433.892. Failure to maintain register of metals and objects containing metal -- Penalty.

<http://www.lrc.ky.gov/KRS/433-00/892.PDF>

433.896. Providing fraudulent information for the sale of metals -- Penalty.

<http://www.lrc.ky.gov/KRS/433-00/896.PDF>

Nebraska

Penalties for Recyclers

Violators are guilty of a Class II misdemeanor.

Statutes

Nebraska Revised Statutes, Sections 69-401 through 69-409 (<http://www.legislature.ne.gov/laws/browse-chapters.php?chapter=69>), including:

69-402. Secondary metals recycler; purchase of regulated metals property; information required; duration; receipt.

<http://www.legislature.ne.gov/laws/statutes.php?statute=69-402>

69-408. Violation; penalty.

<http://www.legislature.ne.gov/laws/statutes.php?statute=69-408>

Nevada

Penalties for Theft

- Theft of scrap metal valued at less than \$250 within 90 days is a misdemeanor.
- Theft of scrap metal valued at \$250 or more but less than \$2,500 within 90 days is a Category C felony, punishable by 1 to 5 years in prison. A fine of up to \$10,000 may also be imposed.
- Theft of scrap metal valued at \$2,500 or more within 90 days is a Category B felony, punishable by 1 to 10 years in prison and a fine of up to \$10,000.
- In determining the value of the metal, the cost of repairing or replacing any property damaged by the theft must be added to the value of the metal.
- Violators must pay restitution in addition to other penalties.

Other Provisions

Scrap metal is defined as including lights maintained by the state or a local government, including streetlights and traffic-control devices.

Statutes

Nevada Revised Statutes, Chapter 647

<http://www.leg.state.nv.us/nrs/NRS-647.html>

205.267 Penalty for theft of scrap metal.
<http://www.leg.state.nv.us/nrs/NRS-205.html#NRS205Sec267>

New Jersey

Penalties for Recyclers

Violations of the documentation requirements or the requirement to report suspected scrap metal theft are “disorderly persons offenses for a first or second offense, and crimes of the fourth degree for third and subsequent offenses.”

Other Provisions

- **Theft notification:** Recyclers must immediately report delivery or sale of suspected stolen scrap metal to law enforcement. Recyclers reporting such a transaction are immune from civil liability related to the report.
 - A separate law (2C:20-7.2, part of the state’s criminal code) states that local law enforcement “may” notify scrap metal businesses of suspected thefts, including identifying details of stolen items.

Statutes

New Jersey statutes, Sections 45:28-1 through 45:28-5
45:28-5. Violations, degree of crime

New Jersey’s statutes may be searched at <http://www.njleg.state.nj.us/>. The statutes listed above can be accessed through this link:
http://lis.njleg.state.nj.us/cgi-bin/om_isapi.dll?clientID=28651380&Depth=2&TD=WRAP&advquery=scrap%20metal&depth=4&expandheadings=on&headingswithhits=on&hitsperheading=on&infobase=statutes.nfo&rank=&record={1381B}&softpage=Doc_Frame_PG42&wordsaroundhits=2&x=0&y=0&zz=

2C:20-7.2 Notification of theft of scrap metal.

New York

Penalties for Recyclers

Each violation is subject to a fine of up to \$200; a willful violation is a misdemeanor.

Penalties for Sellers

Each violation is a misdemeanor.

Statutes

New York laws can be searched at <http://public.leginfo.state.ny.us/>.

New York Consolidated Law, General Business Law Sections 69-E through 69-H
69-H. Penalty.

General Business Law, Section 62. Statement required from persons selling certain property.

South Carolina

Penalties for Theft

- For metal valued at \$2,000 or less, including necessary repairs, theft is a misdemeanor, resulting in a fine of up to \$1,000 or up to 30 days in prison, or both.
- For metal valued at more than \$2,000 but less than \$10,000, including necessary repairs, theft is a felony, resulting in a fine at the court's discretion or up to five years in prison, or both.
- For metal valued at \$10,000 or more, including necessary repairs, theft is a felony, resulting in a fine at the court's discretion or up to 10 years in prison, or both.
- If the theft results in great bodily injury to another person, the theft is a felony, resulting in up to 15 years in prison. If the theft results in the death of another person, the theft is a felony, resulting in up to 30 years in prison.

Penalties for Recyclers

A recycler who violates record-keeping or administrative provisions is guilty of a misdemeanor.

- A first offense results in a fine of up to \$200 or up to 30 days in prison.
- A second offense results in a fine of up to \$500 or up to one year in prison, or both.
- A third or subsequent offense within a 10-year period results in a fine of up to \$1,000 or up to three years in prison, or both.

Other Provisions

- Unauthorized persons may not transport nonferrous metals weighing more than 25 pounds. Temporary transportation permits may be issued by the local sheriff's office allowing these metals to be transported. Violation is a misdemeanor.
- Property owners are not civilly liable for injuries or deaths occurring during the theft of metal from their property.

Statutes

South Carolina Code of Laws, Section 16-11-523. Obtaining nonferrous metals unlawfully.

<http://www.scstatehouse.gov/code/t16c011.htm>

16-17-680. Purchase of nonferrous metals; penalties; exceptions.

16-17-685. Unlawful transportation of nonferrous metals.

<http://www.scstatehouse.gov/code/t16c017.htm>

Virginia

Penalties

- Violating the regulations is a Class 3 misdemeanor; a second or subsequent offense is a Class 1 misdemeanor.
- Violating the statute concerning buying certain types of copper or aluminum wire is punishable by one to two years in jail or a fine of \$100 to \$1,000.

Statutes

Code of Virginia, Chapter 9, Secondhand Articles

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+TOC590100000090000000000000>

59.1-124. Penalty for violation.

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+59.1-124>

59.1-128. When unlawful to buy, exchange, etc., secondhand copper or aluminum wire.

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+59.1-128>

Excerpt:

It shall be unlawful for any person, firm or corporation to barter, purchase, exchange, buy or accept from any person whomsoever, except the manufacturer thereof or his authorized agent, railroad, coal mining, industrial, manufacturing and public utility companies, or the authorized agents of such companies, governmental agencies, and licensed junk dealers, licensed scrap metal dealers, licensed electrical contractors and licensed merchants, any secondhand grooved or figure-eight copper trolley wire, bare or insulated heavy stranded copper or aluminum feeder wire, high voltage copper or aluminum transmission wire, or bare or insulated mining machine copper cables.

59.1-130. Punishment for violation of § 59.1-128 or § 59.1-129.

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+59.1-130>

Excerpt:

Any person violating any of the provisions of § 59.1-128 or § 59.1-129 shall be confined in the penitentiary not less than one year nor more than two years, or in the discretion of the court or the jury trying the case, shall be fined not less than \$100 nor more than \$1,000, or confined in jail for any term not exceeding twelve months, or both. Possession of secondhand articles in violation of the provisions of the above sections shall be prima facie evidence of guilt.

West Virginia

Penalties for Recyclers

Violating any of the relevant regulations is a misdemeanor, punishable by:

- First offense: Fine of \$1,000 to \$3,000
- Second offense: Fine of \$2,000 to \$4,000, and a six-month suspension of business registration
- Third or subsequent offense: Fine of \$3,000 to \$5,000, and a cancellation of business registration

Statutes

West Virginia Code

61-3-49. Purchase of scrap metal by scrap metal purchasing businesses, salvage yards, or recycling facilities; certificates, records and reports of such purchases; criminal penalties.

<http://www.legis.state.wv.us/WVCODE/ChapterEntire.cfm?chap=61&art=3§ion=49#03>

Wisconsin

Penalties for Recyclers

Violating any of the relevant regulations is punishable by:

- First offense: Fine of up to \$1,000, up to 90 days in prison, or both
- Second offense: Fine of up to \$10,000, up to nine months in prison, or both
- Third or subsequent offense: Class I felony.

Each day on which a recycler knowingly violates the relevant regulations constitutes a separate violation.

Statutes

Wisconsin Statutes

134.405. Purchase and sale of scrap metal.

<http://docs.legis.wi.gov/statutes/statutes/134/405>